

DOCTOR JAMES REYNOLDS.

FEBRUARY 29, 1840.

Read, and laid upon the table.

Mr. RUSSELL, from the Committee of Claims, made the following

REPORT :

The Committee of Claims, to which was referred the petition of the heirs and legal representatives of Doctor James Reynolds, deceased, asking compensation for a horse lost at the surrender of Detroit by General Hull, in 1812, make the following report :

In April, 1832, this claim was referred, in the House of Representatives, to the Committee of Claims, and also in December of that year ; but no report appears to have been made thereon until the 14th of January, 1833, when an unfavorable report was made. It was again referred in 1834, and also in 1839 ; but, at the close of each session in those years, the committees appear to have been discharged from the further consideration of the claim, having made no report thereon.

The facts in the case will be found, in detail, in the report made at the 2d session of the 22d Congress.

James Reynolds, deceased, was a surgeon's mate in a regiment of volunteers, commanded by Colonel Lewis Cass, in the late war with Great Britain ; and, at the surrender of Detroit, Reynolds was killed in the fort, leaving a horse, saddle, bridle, and martingale, worth one hundred and fifty dollars, which, after the surrender by General Hull, on the 16th of August, 1812, were taken possession of by the enemy.

The attack upon the garrison was made on the evening of the 15th of August, and the surrender took place the next day, and in the interval Reynolds was killed ; and the question now is, Was this property lost in consequence of the owner having been killed in battle ? If it was, upon the principle which has hitherto governed the legislation of Congress upon claims of this kind, the petitioners are entitled to relief ; but not otherwise.

Upon the surrender of the fort, articles of capitulation were entered into by the commandants of the respective armies, in which private property was guarantied to the owner. But it is a fact, no less true than degrading, that this provision was disregarded ; individual rights, generally, were not respected ; and the individual private property of American citizens, which fell into the possession of the British army, under this capitulation, was plundered and lost to the owners ; and it can hardly be presumed that, if Doctor Reynolds had survived, his rights would have been more respected than those of his fellow-officers. It is possible that, if he had survived, his property would not have been lost ; but is it probable ?

Before a claim against the Government can be entertained, it must be established with reasonable certainty; while there are doubts founded in reason, the claim is not established, and must be rejected. And the question recurs, to what cause is the loss of the property in question to be attributed?

The committee have come to the conclusion that its loss was occasioned by the surrender of the fort, and not in consequence of the death of Doctor Reynolds; unless, indeed, it can be made to appear that the fort was surrendered in consequence of his death, which has not been attempted. With these views, the committee offer the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

REPORT

The committee of Claims, to which was referred the petition of the heirs of Doctor James Reynolds, deceased, asking compensation for a horse lost at the surrender of Detroit by General Cass, in 1812, make the following report:

In April, 1832, this claim was referred, in the House of Representatives, to the Committee of Claims, and also in December of that year; but no report appears to have been made thereon until the 14th of January, 1833, when an unfavorable report was made. It was again referred in 1834, and also in 1835; but at the close of each session in those years, the committee appear to have been discharged from the further consideration of the claim, having made no report thereon.

The facts in the case will be found, in detail, in the report made at the 24th session of the 23d Congress.

James Reynolds, deceased, was a surgeon's mate in a regiment of volunteers, and was killed in the late war with Great Britain; he was commanded by Colonel Lewis Cass, in the late war with Great Britain; and at the surrender of Detroit, Reynolds was killed in the fort, leaving a horse, saddle, bridle, and harness, worth one hundred and fifty dollars, which, after the surrender by General Hull, on the 16th of August, 1812, was taken possession of by the enemy.

On the evening of the 15th of August, and the surrender took place the next day, and in the interval Reynolds was killed; and the question now is, Was this property lost in consequence of the owner having been killed in battle? If it was upon the principle which has hitherto governed the legislation of Congress upon claims of this kind, the petitioners are entitled to relief; but not otherwise.

Upon the surrender of the fort, articles of capitulation were entered into by the commandant of the fortress, and in which private property was guaranteed to the owner. But it is a fact, no less true than degrading, that this provision was disregarded; individual rights, generally, were not respected; and the individual private property of American citizens, which fell into the possession of the British army, under this capitulation, was plundered and lost to its owners; and it can hardly be presumed that if Doctor Reynolds had survived, his rights would have been more respected than those of his fellow soldiers. It is possible that if he had survived, his property would not have been lost; but is it probable?